

## **District III Advisory Board Minutes**

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**October 5, 2005  
7:00 p.m.**

**Wichita WATER Center  
101 E. Pawnee**

The District III Advisory Board meeting was held at 7:00 p.m. at the Wichita WATER Center at 101 E Pawnee. The District III City Council member, Jim Skelton and nine (9) District Advisory Board members were in attendance. Five (5) city staff were present and approximately twelve (12) members of the public, most of whom signed in.

### **Members Present**

Teresa Cook  
Judy Dillard  
Matt Foley  
Charlotte Foster  
Jim Gulick  
John Kemp  
Gerry Myers  
Jesse Sheffield  
William Ward  
Jim Skelton

### **Members Absent**

Danny Harshbarger-Youth  
Joann Hartig  
Dewayne Kitchen

### **Staff Present**

Virgil Miller  
Tim Martz  
John Schlegel  
Terri Dozal  
Jay Hinkel

### **Guests**

See page

## **ORDER OF BUSINESS**

### **Call to Order**

**Council member Jim Skelton** called the meeting to order at 7:05 p.m.

### **Approval of Minutes**

**Ward (Myers)** moved that the minutes from the September 21, 2005 meeting be accepted with correction of the date printed on the minutes and on Page 2, last paragraph state John Mack.

**Action: Received and filed.**

## Staff Presentations

### **1. Community Policing**

**Wichita Police Officer, Virgil Miller 26 Beat** reported an increase in residential burglaries. Several burglaries occurred in South City around Victoria, Tulsa and El Monte Streets. The juvenile suspect is missing and there has been a decrease in burglary crime. Car thefts have occurred due to people leaving their keys in the car. It was noted at the last South City Neighborhood Association meeting that the former gas station on Pawnee has been razed and is looking great. In Beat 24, a search warrant was issued for 1840 Santa Fe looking for drugs and money, properties in the area were also evaluated for code and zoning violations. Flyers were passed out to nearby residents explaining the situation and encouraged all to report similar problems.

**Miller** went on to say 25 Beat has had an increase in burglaries. Two brothers, who live near 31<sup>st</sup> Street South and Hillside, are believed responsible for the burglaries, one of them is currently in jail. WPD Officers have been able to recover some of the stolen property. Concern was expressed about where these kids live and it was confirmed they live near Planeview. Police are receiving tips from residents who are watching out for their neighbors. If calls are made to Police, do residents have to leave a phone number to be contacted by them? Yes, you do need to leave a number and Police will call rather than appear at your house, as they can call you back. The burglaries have not spilled over to the K-15 NA neighborhood? No.

**Action: Receive and file.**

### **2. Park and Recreation Department**

**Tim Martz, Superintendent** presented information on planned improvements for park facilities in District III beginning with playground improvements planned for Cessna Park. In 2002, \$22,000 was used to make some improvements to the park with the play structure and swings being replaced. In April of 2005 three concrete features were removed due to concerns with lead paint. **Martz** explained \$400,000 was earmarked for District III park improvements in the CIP for 2005-2006. Cessna Park will receive more improvements including a *space net* costing \$20,000. One has already been installed in District III at Stearman Park.

This futuristic feature is graffiti resistant due to the type of material used. This is important as Cessna Park has the largest playground in the City and there is a big issue with graffiti and vandalism. Additional construction is planned for 2006 including wooden benches, which will be installed after the playground equipment is sited. The East Mt. Vernon Neighborhood Association is donating two benches to the park. The new features will be in place by next spring just in time for lots of kids to play on them.

**Foley** said this is a great idea and thanked the Park Department for making improvements to Friendship Park. **Myers** asked if there is a large accident rate from these space nets? **Martz** responded there has only been one complaint and the space net shown is one of the safest playground additions. No problems have been reported from the new Clyde Stearman Park.

**Foster** asked if a child could accidentally be hung on a space net **Martz** said this net does not have a problem because of the safety standards set in place. **Foley** asked what ever happened to the Geodome and Martz replied it had been destroyed.

**Elena Ingle 3608 Meadowlane** asked about process for encouraging the establishment of another park the district. **Martz** replied the request would need to be presented to the Park Board and Park and Recreation Department head, Doug Kupper.

Martz was asked if any improvements were planned for Leon Robinson Park on S Washington. **Martz** said Robinson Park received a covered shelter, tables, landscaping and part of a walking path. Three old parking areas are scheduled for removal with curb and gutter installed instead.

**Larry Manny, 1116 Alturas** asked about a covered shelter in Garvey Park saying he thought one could be built for the \$100,000 that is already earmarked for the park. It would be good to have a building to hold community events such as birthday parties and family reunions. It would be an asset for the community and provide revenue for the Park department. **Martz** said the money is earmarked for restoration to the bike path. **Manny** reported there is not good cleaning of the water fountains and the sprinkler system is watering pavement. **Martz** said he thought the restroom cleaning was done by a contracting company and will check on it.

**Councilman Skelton** asked about completion date for Garvey Park. **Martz** replied the park is open now but the cooking areas are not operational. **Martz** said he would follow up with Skelton with additional information. **Officer Miller** thanked the Park Department for replacing the cable gate in Garvey Park. **Martz** concluded by saying other parks throughout the city will receive improvements also. Osage and Fairmount Park playground sand will be removed and rubberized pavement will be installed. Other park improvements are scheduled for Shell, Woodland and Evergreen. **Councilman Skelton** announced the land in Planeview Park had been bought back.

**Action: Receive and file.**

**3. Metropolitan Area Planning Department and City of Wichita Law Department**

**John Schlegel, Director of the MAPD** began his presentation by providing a timeline for bringing the proposed zoning changes for Sexually Oriented Businesses to City Council. Last February, City Council raised concerns about Sexually Oriented Business (SOB) in Wichita after Babes and Boobs opened in Old Town. City Council directed staff to review current codes regarding this ordinance.

On July 26 staff introduced some recommendations to Council and in turn Council continued a previously set moratorium preventing new SOB's from opening until November 15, 2005. Citizen input is being sought through the District Advisory Boards, after that the MAPC will consider the changes at their October 20<sup>th</sup> meeting. The City Council will hear the first reading of the proposed new ordinance on November 1<sup>st</sup>, and the second reading on November 8<sup>th</sup>, with adoption occurring before November 15, 2005.

**Schlegel** stated he recommends changes to the zoning codes as courts have recognized zoning can be utilized to regulate SOBs. Other changes in definitions are being made to present zoning codes concerning SOBs in General Commercial, Limited Commercial or General Industrial zoning. This would eliminate SOBs from current commercial areas including 500 feet from churches and schools, 500 feet from daycares and requires 500 feet between other SOBs. A dispersion strategy is utilized to dilute the impact of these businesses. Sexually Oriented Businesses will be given one year to advertise their move to the new location if they are located in non-conforming areas and outside of appropriately zoned locations.

**Dillard** asked what zoning is for existing SOBs and was told there are currently 17 businesses with eight or nine in non-conforming locations according to the proposed changes. Concern was expressed about regulating SOBs in the county. Clarification was provided explaining City of Wichita changes would not affect county businesses. **Meyers** asked about the Grandfather clause and the City's liability for the businesses moving expenses. **Schlegel** responded the courts have allowed amortization for one year, and our attorneys could defend, as any city business that is done has to stand up in court. **Foley** asked if this would change include escort businesses? Correct. If escort businesses are a cover for prostitution it's illegal. **Jay Hinkle, City of Wichita Assistant Attorney** stated some cases amortize only 9 months and others up to 5 years and there could be litigation, especially if the SOB business is also the property owner. It is anticipated the business would probably not be able to continue to be open during litigation.

**Gulick** asked if the grandfather clause for SOB could be applied to other businesses but was told it could not. **Ward** questioned the duration of a license for SOB and was told they are issued for one year under City ordinance. **Hinkle** said denial of a license application would be non-constitutional.

**Foley** questioned the legal battle that may ensure on this issue and was told if the City successfully passes the new ordinances there shouldn't be much of a battle. **Dillard** inquired if annexed property would be affected by the changes in zoning and was told they would. **Foster** questioned the wisdom of the possible legal battle and suggested just baring the establishment of new SOBs. **Hinkle** explained that would require the moratorium be maintained forever. So far the longest running moratorium is 17 years old in Seattle, Washington. **Ward** inquired if a SOB was not incorporated and wanted to sell would the new owner be able to get a license. It was explained the ordinance will affect whoever purchases the land. **Skelton** asked if it was legal for a SOB to carry drug paraphernalia and was told by **Hinkle** there is nothing that can be done. **Skelton** asked for a list of SOBs in District III indicating who is conforming and who is not. **Schlegel** said he would get him a list. **Foley** finished by asking if a SOB can circumvent the law by changing their name. **Hinkle** responded ordinance modifications to include definitions for whatever they call themselves is possible.

**Action: Unanimous vote by DAB members they do not want these type of businesses in District III.**

## **Board Agenda**

### **4. Updates, Issues and Reports**

**Skelton:** The South Wichita Haysville Area Plan contains an item in their action plan concerning cleaning up SOBs and appreciates the DAB support.

**Kemp:** Said their K-15 picnic with WPD and WFD representation went well. Plan to have a joint Neighborhood Association meeting with South City Neighborhood Association on a common problem. The Park Board will meet next at 3:30 pm on October 10. Renaming Whitney Park for Phyllis Hall will be one of the agenda items. Everyone is urged to attend the meeting for moral support.

**Dillard:** One meeting was held to discuss the South Wichita Haysville Area Plan and the next meeting will be held on October 20. More business people are needed to be involved.

**Gulick:** Grandview Neighborhood Association clean up is scheduled for November 5<sup>th</sup>. Councilman Skelton was invited to attend the next neighborhood association meeting on October 18 to discuss homes being purchased for flood control. There will be no formal presentation but if properties are below 100 year flood plain the City will need to purchase them.

**Ward:** Meadowlark Neighborhood Association will hold election of officers with a presidential change for sure as Karin Smith has indicated she will not run again

**Foley:** Hilltop Neighborhood Association clean up is scheduled for October 18. Sewer drains are being replaced and improvements were made to Friendship Park.

**Cook:** South Central Improvement Alliance steering committee is meeting on October 6<sup>th</sup> from 5:30-7:00 p.m. to discuss our neighborhood plan, The South Central Neighborhood Plan.

**Foster:** Fabrique Neighborhood Association clean up was on October 1 and it was very successful as four dumpsters were filled. Next neighborhood association meeting is October 25 to discuss neighborhood schools and the problem of no Environmental Services inspector for two months. **Skelton** stated City Council is to discuss Office of Central Inspections and Environmental Services possible consolidation. **Foster** reported that at the Citizens Academy class yesterday, Chief Williams said it is not a priority for WPD to pull down illegal signs on street poles.

**Myers:** Sewer improvements have been made in the Mead neighborhood including new manhole covers. City staff has been very cordial and restored the area just as it was. Neighbors are happy the easements were cleaned.

**Sheffield:** South City Neighborhood Association clean up is scheduled for October 22. Pawnee is under construction with utilities being worked on and will be down to two-lane traffic. The neighborhood association is trying to get a legal petition calling for a fire station in South City. Firefighters said they need three new stations in the South, East and West areas. Signatures will be collected from people shopping at Wal-Mart.

**Skelton** said he would like to see the DAB working on getting the fire station in South City. He explained there are national standards, which determine a need for fire station locations, and South City has a great need. He explained he needs support from citizens in order to carry this further.

**Debra Stevens, 3125 E. Boston** asked where she could get information about fire station consolidation between City/County. **Skelton** explained a workshop has been scheduled for the City Council and the County to discuss consolidation.

**Elena Ingle** asked that Vicki Mork e-mail everyone about a petition for the fire station so everyone can help.

**Pat Pickard, 2928 Dunham** expressed concern if there was City liability for wrongful death if WFD response to a fire was not in enough time?

**Skelton** informed everyone of the next Breakfast meeting on October 22<sup>nd</sup> from 10:00 a.m. –12:00 p.m. at Potbelly's Restaurant. It was also requested that tables be set in U shape for future meetings want Vicki Mork to be aware of this. **Skelton** said meeting room must be set up the way we want and he's looking for a better location to hold our meetings.

**Action: Address each item as appropriate.**

#### **5. Next Meeting**

The next regularly scheduled meeting for District Advisory Board III will be October 19, 2005 at the Water Center 101 E. Pawnee at 7:00 p.m.

#### **No Action Required**

With no further business to discuss the meeting was adjourned at 8:55 p.m. Foley (Ward).

Respectfully Submitted,

Terri Dozal, Neighborhood Assistant

## Visitors

Billie Tucker	4140 Menlo	67218
Larry & Kathy Manny	1116 Alturas	67216
Elena Ingle	3608 Meadow Ln	67218
Lonny Wright	1721 S. Lulu	67211
Debra & John Stevens	3125 E. Boston	67211
Annette Schoenthaler	1314 Galena	67216
Betty Strickland	1302 Galena	67216
Doris Mason	3101 Dunham	67216
Pat Pickard	2928 Dunham	67216